

Case 1:10-cr-00041-CBK Document 175 Filed 04/04/11 Page 117 of 189

1

RYAN O'NEIL,

2 having been first duly sworn, was examined and testified as
3 follows:

4

DIRECT EXAMINATION

02:20

5 BY MR. WRIGHT:

6 Q. Would you state your name, please?

7 A. Ryan O'Neil.

8 Q. And what's your occupation?

9 A. A special agent for the Federal Bureau of Investigation.

02:20

10 Q. Give us your educational background.

11 A. Bachelor's degree in criminal justice from the University
12 of Wyoming.

13 Q. And how long have you been an FBI agent?

14 A. Approximately four-and-a-half years.

02:20

15 Q. And does an FBI agent have to have a college degree?

16 A. Yes.

17 Q. And where are you currently stationed?

18 A. Boston, Massachusetts.

19 Q. And how long have you been stationed in Boston?

02:20

20 A. Little less than a year.

21 Q. Prior to going to Boston, where were you stationed?

22 A. I was stationed in Minot, North Dakota.

23 Q. And how long were you in Minot?

24 A. From the fall of 2006 to the fall of 2009.

02:20

25 Q. And what were your standard duties there, sir?

Case 1:10-cr-00041-CBK Document 175 Filed 04/04/11 Page 134 of 189

1 Q. And that was in Rugby?

2 A. Yes, sir.

3 Q. And what was the extent of that interview? What was --
4 what was all covered in that interview?

02:42 5 A. We discussed the search warrant that had occurred the day
6 prior, the firearm. Mr. Davis was present and a couple other
7 individuals were present. We discussed some of the other
8 materials that had previously been identified at the Little
9 Shell headquarters.

02:42 10 Q. Okay. You also made a statement that I said that there's
11 going to be a showdown at O.K. Corral?

12 A. Yes.

13 Q. What does that mean?

14 A. Do you want my --

02:42 15 Q. In your opinion?

16 A. -- opinion of what that means? I would take that to mean
17 that there's potentially going to be a violent confrontation of
18 some type.

02:43 19 Q. Really? Did we specifically discuss on June 17th about
20 the specific words that were used like "trigger" and "showdown"
21 and all of that?

22 A. We discussed those words specifically, yes.

23 Q. And what did you learn that was the original intent behind
24 those words?

02:43 25 A. Regarding when you -- your statement of pulling the

Case 1:10-cr-00041-CBK Document 175 Filed 04/04/11 Page 135 of 189

1 trigger on the judge, you told me at that point that you didn't
2 intend to hurt anybody and you meant that legally, something to
3 that effect.

4 Q. How many phone calls did you receive from the Little Shell
02:44 5 Nation and/or me, Michael Howard Reed, the attorney general for
6 the Little Shell Nation?

7 MR. WRIGHT: Object to the relevance, Your Honor.

8 THE COURT: Overruled.

9 THE WITNESS: I probably had half a dozen to a dozen
02:44 10 phone contacts with yourself or Mr. Davis. That's a rough
11 estimate.

12 Q. (MR. REED CONTINUING) At any point in time was there any
13 verbiage or any dialogue where it would say that I or anybody
14 of the Little Shell Nation would cause harm to anyone?

15 MR. WRIGHT: Your Honor, may we approach?

16 THE COURT: Well, no, I don't think so. What's your
17 objection?

18 MR. WRIGHT: It would be something I need the Court
19 to hear at the bench.

20 MR. DAVIS: Your Honor, what he's asking is, we had
21 dialogue back and forth, I and Ryan. I'm just waiting for him
22 to finish up what they're talking about, so I'm going to ask
23 him a few questions of mine. What -- what the co-defendant is
24 trying to get to here in these questions is very simple. Did
25 we threaten anybody in those phone calls?

Case 1:10-cr-00041-CBK Document 175 Filed 04/04/11 Page 136 of 189

1 THE COURT: Well, it isn't your turn yet, sir.

2 MR. DAVIS: We had many phone calls.

3 THE COURT: Well, it's up to the jury whether or not
4 this language used was threatening. What this witness thinks
02:45 5 doesn't really mean anything. You want to approach on the
6 record?

7 MR. WRIGHT: Yes, I do.

8 THE COURT: All right. You may approach. If you
9 want to stand up and stretch, ladies and gentlemen of the jury,
02:46 10 feel free to do so.

11 (At the Court bench, out of the hearing of the jury.)

12 MR. WRIGHT: Mr. Reed keeps asking the witness about
13 other parts of this conversation and whether any violence was
14 discussed. And if this guy has to answer, he's going to say,
02:47 15 yes, a long conversation with Mr. Reed, who made a threat to
16 blow up the jail. And he also made comments that he wants to
17 get some bullets and kill some cops with them.

18 MR. REED: Which is all inadmissible under Rule 701.

19 MR. WRIGHT: If they want to go into that, if they
02:47 20 want to talk about what was said, I'm certainly going to get
21 the chance to say, "What did you talk about?"

22 MR. REED: I'm sorry?

23 MR. WRIGHT: I think under Rule 403 it would be
24 prejudicial to the defendant, but if they want to walk into it,
02:47 25 that's what they're doing right now. I'm trying to protect his

Case 1:10-cr-00041-CBK Document 175 Filed 04/04/11 Page 137 of 189

1 rights and not have him get into the cop-killing bullets and
2 blowing up the jail.

3 MR. REED: He's not protecting my rights, Your Honor.
4 He's not protecting nothing. He's -- under Rule 701 he's not
02:47 5 even -- he has no forensic evidence of even the evidence that
6 he's submitting at this point in time. All I'm asking and
7 trying to get from this witness is did I facilitate the
8 delivery of somebody through foreign diplomatic channels
9 properly, and he refuses to answer, so I would like to use him
02:48 10 as a hostile witness because he's not answering. He is lying
11 right now, and I can prove it, Your Honor, and if I have to do
12 that, I will do that, but I don't want to prosecute an FBI
13 agent. He's a good man. He deserves to be able to tell the
14 truth without being coerced by the prosecuting attorney.

02:48 15 THE COURT: Well, I think Mr. Wright is correct that
16 if you keep on that line of questioning, it opens really bad
17 evidence. If I were you, I wouldn't do it, but I'm not giving
18 you legal advice. You may want to talk to your standby counsel
19 about that. I don't know.

02:48 20 MR. REED: I'll wait until I question him as a
21 witness, and I will just -- and I will just treat him as a
22 hostile witness. I'll move for hostile witness on my redirect,
23 when I bring forth my direct, because I have evidence and proof
24 that he is lying right now on the stand under the penalties of
02:49 25 perjury, and that is not correct. That is not right. There's

Case 1:10-cr-00041-CBK Document 175 Filed 04/04/11 Page 138 of 189

1 been very many -- there's been a lot of perjurors happen in
2 this case before the jury is even sequestered. Mr. Wright has
3 made statements and opened up that can of worms when they
4 threatened me with this case on this exact charges. They
02:49 5 threatened me if I didn't accept to plead guilty to something,
6 they were going to charge me with something else, and I don't
7 appreciate that.

8 THE COURT: Do you have any comment, sir?

9 MR. DAVIS: No. He's got a point there, so --

02:49 10 THE COURT: Okay. Thank you.

11 (In open court with the defendants, counsel and the
12 jury present.)

13 THE COURT: Mr. Reed, I don't know if there was a
14 question pending or not, but in any event, ask your next
02:50 15 question.

16 MR. REED: Okay. Thank you, Court and the jury, for
17 letting us work something out.

18 Q. (MR. REED CONTINUING) Initially I see you were -- were
19 you -- let me ask this question. Were you initially an
02:50 20 investigator on Neegee's Indictment?

21 A. Yes, sir, I was.

22 Q. And it's just come to my attention that he finally pled
23 guilty to a misprison of felony or a misprison of felony, which
24 is -- what did he misrepresent?

02:51 25 MR. WRIGHT: Excuse me. I'm going to object as not